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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LYNNETTE M. SHENKO,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. CV 06-04034 AN

ORDER AFFIRMING DECISION OF
COMMISSIONER

The Court rules as follows with respect to the two disputed issues in the Joint Stipulation (“JS”).^{1/}

By way of the first disputed issue, Plaintiff principally contends the Administrative Law Judge (“ALJ”) erred by failing to give specific and legitimate reasons for discrediting the opinions expressed by Plaintiff’s treating psychologist (Dr. Mothersole) and an examining worker compensation psychiatrist (Dr. Hirsch) in favor of the opinion expressed by the examining psychiatrist (Dr. Lavid), who found Plaintiff’s “residual mental function” only impaired her long term memory and limited her to a “low stress” workplace environment. [JS at 15:19-19:9; 20:6-17.]

^{1/} Both parties have consented to proceed before the undersigned Magistrate Judge. In accordance with the Court’s Case Management Order, the parties have filed the JS and seek a dispositive order regarding the disputed issues set forth in the JS. The Court’s decision is based upon the pleadings, the Administrative Record (“AR”), and the JS.

1 After reviewing the record, the Court disagrees for the reasons expressed in the
2 Commissioner's contentions. Additionally, the Court finds the ALJ's decision reflects
3 that he discounted Dr. Mothersole's opinions regarding the severity of Plaintiff's mental
4 impairments because the opinions were vague, unsupported by treatment records, and
5 largely based upon Plaintiff's own subjective reports rather than from longitudinal
6 clinical observations and mental status examinations. [AR at 19.] The ALJ's decision
7 further establishes that Dr. Hirsch's opinions were discounted as conclusory, unsupported
8 by treatment records, not accompanied by a residual functional assessment, and made in
9 the context of worker's compensation proceedings that were not binding on the
10 Commissioner. [AR at 18.] The Court finds the ALJ's stated reasons constitute concise,
11 specific and legitimate reasons for discounting the opinions expressed by Drs. Mothersole
12 and Hirsch that are supported by substantial evidence in the record. *See Matney v.*
13 *Sullivan*, 981 F.2d 1016, 1019 (9th Cir. 1992) (explaining that the ALJ may reject the
14 conclusory opinion of an examining or treating physician if the opinion is unsupported
15 by clinical findings); *Meanel v. Apfel*, 172 F.3d 1111, 1113-14 (9th Cir. 1999) (acceptable
16 medical opinion must be supported by clinical and laboratory findings); *Morgan v.*
17 *Comm'r of Soc. Sec. Admin.*, 169 F.3d 595, 602 (9th Cir. 1999) (explaining that "[a]
18 physician's opinion of disability premised to a large extent upon the claimant's own
19 accounts of his symptoms and limitations may be disregarded where those complaints
20 have been properly discounted"); *Fair v. Bowen*, 885 F.2d 597, 605 (9th Cir. 1989).

21 By way of the second disputed issue, Plaintiff fundamentally contends a reversal
22 is warranted because the Appeals Council did not give proper weight to medical opinions
23 expressed by a licensed clinical social worker (Patricia Rodriguez), whom Plaintiff refers
24 to as a "treating source." [JS at 26:24-28:10.] The Court finds this contention lacks
25 merit for the reasons expressed by the Commissioner. [See JS at 28:14-30:15.]

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1 IT IS THEREFORE ORDERED that judgment be entered affirming the
2 Commissioner's final decision, and dismissing this action with prejudice.

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5 DATED: July 13, 2007

ARTHUR NAKAZATO

ARTHUR NAKAZATO
UNITED STATES MAGISTRATE JUDGE